REMARKS

In the Office Action dated July 3, 2007, the Examiner has acknowledged Applicants' previous election of Group 2, claims 1, 5, 6, 12-13, 23, 27, 28, 38-41, 43, 45, 47 and 49, as well as Applicants' election of pyroglutamate, deletion, Gly and Val for Xaa 1-4, respectively. However, the Examiner contends that further restriction of Group 2 is required, allegedly because this group encompasses claims that cannot be searched together. Specifically, the Examiner states that the elected Group 2 contains the following groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group 208	Claims 1, 5, 6, 12-13, 23, 27, 28, 38-41, 43, 45, 47 and 49, drawn to the polypeptide of SEQ ID NO: 3 or SEQ ID NO: 5 in which Xaa5 and Xaa6 are any amino acid but C.
Group 209	Claims 1, 5, 6, 12-13, 23, 27, 28, 38-41, 43, 45, 47 and 49, drawn to the polypeptide of SEQ ID NO: 3 or SEQ ID NO: 5 in which Xaa5 is any amino acid but C and Xaa6 is absent, or in which Xaa5 is absent and Xaa6 is any amino acid but C.
Group 210	Claims 1, 5, 6, 12-13, 23, 27, 28, 38-41, 43, 47 and 49, drawn to the polypeptide of SEQ ID NO: 3 or SEQ ID NO: 5 in which Xaa5 and Xaa6 are absent.

The Examiner contends that the sequences defined in each group are separate and distinct sequences. The Examiner admits that the sets of sequences in which one of Xaa5 or Xaa6 is absent and the other one is present can be searched together, because the terminal three amino acids for both sets of sequences are CXC. However, the Examiner is of the opinion that the sequences of Group 209 are distinct from the sequences of Group 208 and Group 210. The Examiner concludes that, because each sequence is different, there is no common technical feature that links Groups 208-210.. Therefore, these groups lack unity of invention. The

Examiner has required Applicants to choose one polypeptide from among those claimed as indicated in the different groups identified above.

In order to be fully responsive to the Examiner's requirement for restriction, Applicants provisionally elect, with traverse, the subject matter of Group 208, claims 1, 5, 6, 12-13, 23, 27, 28, 38-41, 43, 45, 47 and 49. The elected claims are drawn to a polypeptide set forth in SEQ ID NO: 3 or SEQ ID NO: 5, in which Xaa5 and Xaa6 are any amino acid but C, and amino acid positions 1-4 in SEQ ID NO: 5 are as follows: Xaa1: pyroglutamate (pGlu), Xaa2: deletion, Xaa3: glycine (Gly) and Xaa4: valine (Val), respectively.

Further, Applicants acknowledge the Examiner's requirement to elect one single polypeptide from the identified groups. However, it is unclear as to whether Applicants are also required to elect from the different amino acid residues for Xaa5 and Xaa6, as set out in claims 43, 45, 47 and 49. In the event that further election of the amino acids for Xaa5 and Xaa6 is necessary, Applicants provisionally elect, with traverse, His for Xaa5 and Hyp for Xaa6.

However, pursuant to 37 C.F.R. §§1.111 and 1.143, Applicants hereby traverse the Examiner's requirement for restriction and request reconsideration thereof in view of the following remarks.

Applicants respectfully submit that a requirement for restriction presupposes an analysis of the subject application in light of the rules governing this practice, i.e., 37 C.F.R. §1.499 and PCT Rules 13.1 and 13.2. PCT Rule 13.1, first sentence, states: "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention')." (Emphasis added.) PCT Rule 13.2 states: "The expression "technical features' shall mean those technical features that

define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." (Emphasis added.)

Applicants respectfully submit that the present invention recognizes that certain part of χ-conotoxin (e.g., MrIA) is essential for its biological activity (e.g., inhibiting neuronal amine transporters of neurotransmitters), and such activity can be enhanced by making particular modification(s) to the primary structure of the χ-conotoxin. This unique recognition provides a basis for developing therapeutic modified polypeptides for inhibiting neuronal amine transporters of neutrotransmitters and using the peptides in protocols for prophylaxis and treatment of diseases.

Applicants respectfully submit that all of the claims presented in the present application share the technical feature of enhancing the activity of χ-conotoxin (e.g., MrIA) by modifying the conotoxin peptide at particular position(s). It is respectfully submitted that the present claims, when considered as a whole, define a contribution over the prior art, and should be examined in the same application.

Finally, Applicants respectfully submit that a determination to make the pending restriction requirement final must evidence the patentable distinctness of all defined groups, one from another, as presented by the Examiner.

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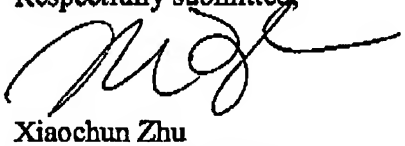
Accordingly, it is respectfully submitted that the present claims satisfy the requirements for unity of invention. Applicants respectfully urge that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the claims.

Respectfully submitted,



Xiaochun Zhu
Registration No. 56,311

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza-STE 300
Garden City, New York 11530
(516) 742-4343
XZ:ab